

WISHA ADVISORY COMMITTEE (WAC)
MEETING MINUTES
December 16, 2010
L&I Headquarters, Room S117

Members Present: Anne Soiza, Deputy Assistant Director, Department of Labor & Industries; Sharon Ness, United Staff Nurses Local 141; Ed Wood, Jr., Communication Workers of America Local 7818; David Threedy, Board of Industrial Insurance Appeals; Rebecca Johnson, Washington State Labor Council; Mike Fallon, PCL Construction Service; and Claude Golden, The Boeing Company.

Absent: Randy Loomans, International Union of Operating Engineers Local 302

Guests: Donovan Quebedeaux, BIAW; Gregory Chryst, OSHA; Terry Tilton, Washington State Building and Construction Trades Council; Janice Camp, University of Washington; Scott Dilley, Washington Farm Bureau; Pamela Taheil, Congelton Orchards; Joan Elger, House Commerce & Labor.

Staff Present: Eric Jalonon, SHARP; Mike Foley, SHARP; Dan McMurdie, Standards & Technical Services; Bruce Zeller, Education & Outreach; Tracy Spencer, Standards; John Furman, DOSH Technical Services; Lezlie Perrin, Reassumptions & Audit; Jenifer Jellison, SHIP; Caprice Catalano, SHIP; Maggie Leland, DOSH Administration; and Bonnie Simpson, DOSH Administration.

Recorder: Bonnie Simpson

Opening Remarks – Anne Soiza & Michael Silverstein

- Budget short falls may cause elimination of some programs that provide basic survival support such as Basic Health Plan, K-12 programs, and social services programs. The elimination or cut to these programs will still not make up for the short fall for next biennium. DOSH has been relatively untouched because of our funding source from Federal Government and Industrial Insurance Trust funds. Expenditures to support DOSH activities have been restrained and prudent and will continue to have scrutiny on how the funds from these sources are spent.
- The Governor has placed a moratorium on rule making for the next year.
 - Rules that will move forward: The second phase to the rules dealing with Construction Cranes. OSHA has issued their rule and is now directing us to develop crane rules that are at least as effective as OSHA's. Penalties will move forward in rule making if OSHA issues the change to the policy.
 - Rules that are on hold: Self Erecting Tower Cranes and Fall Protection may have to be placed on hold because it does not meet the exception. The APP and Plain Language rewrite will also be suspended, but as directed by the Governor we can continue to work on rules in an informal setting.

- DOSH has one legislative bill that will be introduced on abatement of hazards that have been identified during inspections. In the past corrections of hazards were put on hold if the employer appealed until the appeal process has been completed. The new requirement would be that the employer fix the hazard even during an appeal, but to ensure due process the employer could file a motion to ask the Board of Industrial Insurance Appeals for an expedited review and receive a stay of the abatement if there is due cause.
 - One business member discussed concerns on this bill.
- Tesoro citation that DOSH issued for 39 willful violations has been appealed. We have used our authority and reassumed the citation for review.
- OSHA has issued an Enhanced FAME Report for state run programs due to the accidents that occurred in Las Vegas, Nevada. DOSH was asked to improve in a two areas: Penalties for violating the WISHA Act are among the lowest in the country and the calculation of penalty amounts that follow a fatality investigation also needs to be reviewed.
- DOSH is reviewing the process with scheduled inspections. We want to insure that our inspectors are visiting the work places that have serious hazards. DOSH will be giving higher priority to work places that have never received a visit, high injury rates, and worker comp claims.
- WISHA Advisory Committee still has a vacancy on the board. We are required to receive three nominations from the business community before we can make an appointment.

SHARP Update: *Dave Bonauto & Eric Jalonen*

- SHARP has received a 5 year grant from NIOSH to sustain our work in surveillance. The grant was awarded to continue work in WMSD, TIRES, Temporary Workers, FACE Project, and Pesticides will begin in September 2011.
- Temporary Workers project will interview workers on exposures and provide training and knowledge on exposures.
- TIRES Project has two new posters: High Mileage and Tips to Prevent Shoulder Injury. There is also a new simulation on slip hazards that you can view at keeptrucking safe.org.
- Collision Repair Research Project: Investigates isocyanides exposure in the auto body spray painting operations. This project is in the second year of the three year NIOSH grant. Controlled test experiments are underway to identify gloves and coveralls that will protect workers from isocyanides exposure.
- Safe Patient Handling Law: The project is completed and SHARP has submitted the first year evaluation of the law and is waiting to be signed by the Governor. You can view more information at [Safe Patient Handling](#).
- Young Worker Injuries: At the last WAC meeting the question was raised whether 16 and 17 year- olds could be allowed to work in construction. They are allowed to be in the construction industry, but with restrictions such as roofing, being higher than 10 feet off the ground, or using any kind of power tool. The injury claims from 2005-2007 were 31 that included injuries in construction to 15-17 year-olds and then analyzed the claim to see if there was potential for work restriction violations. Employment Standards receives a monthly report of injuries to workers under the age of 18. Referrals will follow depending on if and what violations were found.

Please see link for more information:

<http://www.lni.wa.gov/Safety/Research/OccHealth/YoungWrkrInjuries/default.asp>

Prioritization Project: *Maggie Leland*

- The prevention index data is based on state fund compensable claims from 2004-2008. We use the state fund information to find the severity component of the cost of the claim. This information only comes from state fund data. Some of the data does include Self Insurance such as the sheets that have the number of employers, full time equivalent employees, and the number of physical work place locations because it is based on accounts.
 - NAICS code 2381: Injury and illness ranking within construction and across all industries;
- NAICS code 4841: Data is compiled by using transportation, warehouse, and utility sector included NAICS codes 48, 49, and 22; National Occupational Research Agenda (NORA) sectors based on NAICS definitions, Injury and illness ranking within construction and across all injuries.
- Next review of the top ten industries by NAICS code will be 2361 Residential Building Construction and 2383 Building Finishing Contractors.

DOSH Outreach Update: *Bruce Zeller*

- DOSH has updated the website for safety and over the next year will look completely different from today. Outreach is gathering feedback with usability studies. Baseline interviews will be conducted in February and DOSH is developing questions for the interviews currently.
- Outreach has developed a page for OSHA updates, pertaining to directive updates for DOSH; bring attention to emerging fatality issues, such as the eight tractor rollover fatalities; Hazard Alerts; new videos will be posted; and a link to the rules page to review draft rules.
- Tool Box Talks was the most used page on the DOSH website. Outreach has compiled all the information into one place. The page will be set up to show topics, safety issues, short videos and Tool Box talks.
 - Outreach can track what pages customers review the most.
 - A to Z topics are more ‘mobile’ friendly.

APP Update: *Maggie Leland*

- Formal rule making projects are on hold per the Governor’s moratorium and the APP project falls under that moratorium.
- DOSH held a stakeholder group meeting on December 12, 2010. Ed Wood attended as a leader of the project from the WISHA Advisory Committee. Corwyn Fischer also attended
- DOSH presented three questions for the stakeholders to help define: What requirement would we want to see for all employers? How can DOSH better define “tailored to the hazards of the workplace” How can DOSH better define what the minimal requirements are? As DOSH moves forward we need to determine if we continue with open stakeholder meetings or a more concentrated group of stakeholders from across the state.

- Feedback from the APP stakeholder meeting:
 - Stakeholders want consistency with inspections, in general with all inspections and on the APP inspections.
 - Site safety and job hazard analysis: How DOSH can put that in perspective for everyone.
 - Would like a flow chart on APP so everyone can be consistent.
 - Next meeting have it be more of a working meeting.
 - Employee/Employers more involved in work safety walk through.

Rules Reorganization Project: *Maggie Leland*

- There are two phases to the project: The first phase is the actual reorganization of the rules. DOSH has started that internally by building an Access data base that will hopefully allow us to make rule changes in the future easier. The data base should be able to better track where the language is, where references to other standards are, update webpages easier, and build information on the DOSH webpage that will allow you to enter what industry you work in and pull up the rules for that.
- DOSH will be discussing pulling together stakeholders to start looking at the plain language rewrite of the rules.

Next Meeting - All

The meeting of the WAC will be:

Date: March 30, 2011

Time: 9:00 a.m. to noon

Location: L&I Headquarters, Auditorium

Proposed Agenda items (so far) for March 2011:

- Abatement
- Website for Safe Patient Handling
- Activities on workers claims

Action Items -

Maggie	Review NAICS codes 2361 Residential Building Construction and 2383 Building Finishing Contractors or inspections and injury rates.

With no other business to discuss, the meeting was adjourned.

Many individuals are sensitive to fragrances, colognes, scented lotions, etc. Please be courteous of respiratory sensitivities and do not wear fragrances to WISHA Advisory Committee meetings. Thank you.